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FILED

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UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

**COLUMBIA RIVERKEEPER, an
Oregon non-profit organization,
WILLAMETTE RIVERKEEPER, an
Oregon non-profit corporation**

Plaintiff,

v.

**UNITED STATES FEDERAL ENERGY
REGULATORY COMMISSION,**

Defendant.

CV 08-936-HU

**JOINT STIPULATION AND
[PROPOSED] ORDER REGARDING
ATTORNEY FEES AND COSTS**

Introduction

The parties to this action, by the signatures of their counsel of record, stipulate and agree as follows:

Recitals

The parties to this action agree as follows:

1. The Plaintiffs are Columbia Riverkeeper and Willamette Riverkeeper ("Plaintiffs") and the Defendant is the Federal Energy Regulatory Commission ("FERC").
2. This action was brought by the Plaintiffs and asserted claims against FERC under the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552.
3. On or about July 24, 2009, the district court granted summary judgment, in part, in favor of Plaintiffs and against FERC. On or about August 11, 2009, the district court entered the judgment.
4. On or about September 10, 2009, Plaintiffs filed a motion for attorney fees and costs.
5. On or about October 8, 2009, FERC appealed the judgment to the Ninth Circuit Court of Appeals, Case No. 09-35901. The appeal was voluntarily dismissed by FERC on or about November 19, 2009, as part of this agreement.
6. Each counsel who signs this Stipulation has all the authority required to bind the parties to the terms of this Stipulation and any judgment resulting from it.

Stipulations

The parties to this action stipulate as follows:

1. FERC agrees to pay the Plaintiffs the total sum of \$63,000.00 for attorney fees and costs arising from this action. To resolve this case, Plaintiffs agree to accept this sum which is a reduction in the amount Plaintiffs sought in their Motion for Attorney's Fees and Costs. The Plaintiffs hold to their view that the time expended and the rates requested by Plaintiffs in the Motion for Attorney's Fees and Costs are reasonable.

2. Plaintiffs agree that payment by FERC of the agreed sum will constitute full and final settlement of all claims regarding its attorney fees and costs in this action.
3. This Stipulation constitutes the full and final agreement of the parties arising from Plaintiffs' Motion for Attorney's Fees and Costs in this action. There are no other representations or promises made by either party other than those set forth in this Stipulation.
4. Upon approval of this Stipulation by the district court, FERC shall promptly communicate with Plaintiffs' counsel regarding details related to the payment of the agreed sum, and FERC will make payment to Plaintiffs within 10 business days.
5. The terms of this Stipulation shall become effective upon entry of an order by the district court accepting this Stipulation.
6. The parties agree that the district court shall retain jurisdiction over this matter to enforce the terms of the Stipulation.

DATED this 20th day of November 2009.

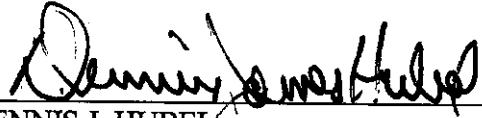
/s/Brett VandenHeuvel
Brett VandenHeuvel
Attorney for Columbia Riverkeeper

/s/Kevin Danielson
Kevin Danielson
Assistant U.S. Attorney
Attorney for Defendant

/s/Brenna B. Bell
Brenna B. Bell
Attorney for Willamette Riverkeeper

The Court has reviewed and accepted the Stipulations of the parties as set forth above.

IT IS SO ORDERED.


DENNIS J. HUBEL
United States District Court Magistrate Judge

DATED this 23rd day of December, 2009.